



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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SHORELAND SETBACKS AND BUFFERS NR 115 ADVISORY COMMITTEE RECOMMENDATIONS From January 30, 2003 Meeting

This document summarizes advisory committee preferences and recommendations. More detailed information on the meeting is available at: <http://www.dnr.state.wi.us/org/water/wm/dsfm/shore/archive/Jan03Meeting.htm>

1. Proposed Definitions and General Provisions
2. Buffer and Setback Options
3. Viewing and Access Corridor Options
4. Vegetation Management Exceptions
5. Structural Exemptions from Setback Requirements
6. Reduced Setback Options
7. Wetland Buffer Options

1. PROPOSED DEFINITIONS AND GENERAL PROVISIONS

Primary buffer

A buffer of native shoreland vegetation, parallel to the ordinary high-water mark (OHWM), and extends from the OHWM to "X" feet inland. Within the primary buffer, the following provisions apply:

- One viewing and access corridor to access water,
- Vegetation removal is prohibited, except for control of exotic or invasive species, or because of an imminent safety hazard,
- Any vegetation removal requires replacement with native vegetation, and
- Structures are prohibited, except for structures that are exempted from setback requirements.

Advisory Committee Recommendations

- Clarify what falls under the term "vegetation" – dead trees, noxious weeds, invasive plants
- Clarify if forestry-related activities are permitted
- Clarify if grading and land disturbances are allowed, including beaches and sand volleyball courts

Secondary buffer

A vegetated buffer extending from "X" feet inland to minimum setback line. Within the secondary buffer, the following provisions apply:

- Maintenance of a vegetated buffer is required and turf, groundcovers, or native ground layer vegetation would qualify,
- Removal of trees and shrubs is allowed, and
- Structures are prohibited, except for structures that are exempted from setback requirements.

Viewing and Access Corridor (VAC)

A corridor extending through the primary buffer, connecting the secondary buffer to the waterfront. Within the VAC, the following provisions apply:

- Maintenance of a vegetated corridor is required and turf, groundcovers, or native ground layer vegetation would qualify,
- Selective removal of trees and shrubs is allowed to create the corridor, if not naturally occurring, and
- Structures are prohibited, except for structures that are exempted from setback requirements.

Advisory Committee Recommendations

- Clarify if exempted structures are required to be in the VAC if in the primary buffer
- Clarify what “selective” removal of trees means

2. BUFFER AND SETBACK OPTIONS

Permit System: Administrative

Advisory Committee Preferences*	Option
13 members	A. 35 foot primary buffer + 40 foot secondary buffer = minimum 75 foot setback
11 members	B. 50 foot primary buffer + 25 foot secondary buffer = minimum 75 foot setback
0	C. 50 foot primary buffer + 50 foot secondary buffer = minimum 100 foot setback
0	D. Site specific formula for primary buffer + 25 foot secondary buffer = minimum 75 foot setback
0	E. Primary buffer 50% of total setback + secondary buffer 50% of total setback = minimum 75 foot setback
0	F. Primary buffer 50% of total setback + secondary buffer 50% of total setback = minimum 100 foot setback
0	G. Did not prefer any of the options
3 members	H. Was not at table to voice preferences

*Advisory Committee members may support more than one option

3. VIEWING AND ACCESS CORRIDOR (VAC) OPTIONS

Permit System: Administrative

If a VAC is not naturally occurring on a property, selective removal of trees and shrubs is permitted to create a single VAC. Options for the maximum width of the VAC are:

Advisory Committee Preferences*	Option
4 members	A. 30% of water frontage, not to exceed 50 feet
3 members	B. 30 feet wide
14 members	C. 30% of water frontage, not to exceed 30 feet
0	D. 20 feet wide
1 member	E. Did not prefer any of the options
3 members	F. Was not at table to voice preferences

*Advisory Committee members may support more than one option

Advisory Committee Recommendations

- Clarify how the VAC will be measured
- Provide standards for lots that are condominiums, resorts, apartments, or other types of development

4. VEGETATION MANAGEMENT EXCEPTIONS

Permit System: Administrative or Special Exception (Conditional Use)

Advisory Committee Preferences	Option
Clarify	A. State agency management plans for state-owned properties
Clarify	B. Local government management plans for locally-owned properties
Clarify	C. Individual property management plans for privately-owned property
Clarify	D. Dam maintenance activities
Clarify	E. Erosion control or other water quality improvement projects
Clarify	F. Utility easement clearing
Clarify	G. Road intersection and driveway line-of-sight clearing

Advisory Committee Recommendations

- Clarify options so committee can understand implications of decisions, including standards

Note: The Department believes it may be desirable to create special subchapters in ch. NR 115 for forestry and agricultural uses. If pursued, discussions would occur with interested parties on forestry and agricultural issues after the Advisory Committee wraps up its initial round of meetings (Summer 2003).

5. STRUCTURAL EXEMPTIONS FROM SETBACK REQUIREMENTS

Permit System: Administrative or Special Exception (Conditional Use)

Advisory Committee Preferences	Option
22 members	A. Piers
22 members	B. Boat hoists
1 member as administrative permit	C. Boathouses
10 members as conditional use	
11 members against	
Clarify	D. Boat landings
22 members	E. Structures to allow reasonable accommodations for residences of handicapped or disabled persons
22 members	F. Stairways, walkways and mechanical lifts when required for access to navigable water
20 members	G. Open fences
2 members as administrative permit	H. Retaining walls when there is a need to control erosion
14 members as administrative permit with conditions	

6 members as conditional use	
Clarify	I. Signs and parking lots associated with public access sites
21 members make consistent with Dept. of Commerce standards	J. Marine fuel tanks

Advisory Committee Recommendations

- Clarify options on boat landing, including how it would apply to condominiums, resorts, apartments, or other types of development
- Incorporate signs and parking lots standards into “recreational area” subchapter with boat landings and vegetation management

Note: Open or screened structures exempted under s. 59.692(1v), Wis. Stats., are not listed above and are not affected by changes to NR 115.

6. REDUCED SETBACK OPTIONS

Permit System: Administrative or Special Exception (Conditional Use)

This issue will be discussed in Session 3 with nonconforming structure issues.

7. WETLAND BUFFER OPTIONS

Permit System: Administrative

Wetland Buffer

A vegetated buffer extending from the wetland boundary to “X” feet inland. Within the wetland buffer, the following provisions apply:

- Maintenance of a vegetated buffer is required and turf, groundcovers, or native ground layer vegetation would qualify,
- Removal of trees and shrubs is allowed, and
- Structures are prohibited, except for structures that are exempted from shoreland setback requirements.

Advisory Committee Preferences	Option
11 members	A. None
3 members	B. 15-foot buffer
4 members	C. For less susceptible wetlands, 10% average width for a 10-foot minimum and 30-foot maximum buffer For highly susceptible wetlands, 50-foot buffer For special natural resources interests (NR103.04), 75-foot buffer

Advisory Committee Recommendations

- Option B should be 15-foot buffer on mapped wetlands